

# Cyber Mesa

4200 Rodeo Road

Santa Fe, NM 87507

505-988-9200

Cyber Mesa Computer Systems, Inc  
EB-08-TC-3634  
NAL Acct No. 200932170336  
3/4/2009

Received & Inspected

MAR 16 2009

FCC Mail Room

To whom it may concern:

Cyber Mesa Computer Systems Inc, is writing to dispute "The Omnibus Notice of Apparent Liability for Forfeiture"

We received a notice 9/9/2008 via US Mail, concerning the filing of a 47 C.F.R. 64.2009(e). This was the first we heard of this filing. We immediately as instructed visited the website: <http://www.pagingcarriers.org/newsr/CPNI%20Certification%20Guidance%20PN%2020080129%20DA-08-171A1.pdf>

As instructed. We also sent emails to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) to get filing instructions. After receiving no response, we contacted Marcy Greene. She did email links for completing the process.

Please see enclosed email. We completed the Certificate "Annual 47 C.F.R. 64.209(e) CPNI Certificate, EB Docket 06-36, and filed that 9/10/2008. See enclosed copy. We sent Copies as directed to Marlene H. Dortch, and 2 copies to the FCC and 1 copy to Best Printing.

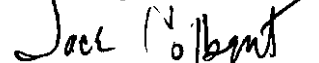
Also sent was a "Customer Proprietary Network Information Policy". See enclosed copy.

Also enclosed is a receipt from the FCC acknowledging the filing, dated 9/15/2008.

We have complied with the March 2009 filing for 2008, and have receipts that they have been received.

Thanks in advance for your consideration.

Sincerely,



Jace Colbert

Accounting Department  
505-988-9200 (voice)  
505-988-8875 (fax)  
[jace@cybermesa.com](mailto:jace@cybermesa.com)

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

Received & Inspected

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FCC Mail Room

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**  
**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for [2008]

Date filed 9/15/2008

Name of company covered  
by this certification: Cyber Mesa Computer Systems Incorporated

Form 499 Filer ID: 823436

Name of signatory: Jane M Hill

Title of signatory: President

I, Jane M Hill, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

**Jane M. Hill**  
Digitally signed by Jane M. Hill  
DN: cn=Jane M. Hill, o=Cyber Mesa  
Computer Systems Incorporated,  
ou, email=jhill@cybermesa.com,  
c=US

Signed

Date: 2008.09.15 12:22:46 -06'00'

[electronic signature]

September 2008

## **Cyber Mesa Computer Systems Incorporated d/b/a Cyber Mesa Telecom**

### **Customer Proprietary Network Information Policy**

#### **Overview**

Cyber Mesa has always emphasized the importance of customer privacy. We are strict about giving information to the customer over the phone, and we have never given out information to third parties for the purpose of marketing.

We started out as an Internet Service Provider, and our invoices and statements are sent via email. About one hundred customers do receive hardcopy bills, almost all, government entities. We rarely market to our own customers, but if and when we do, we do so via email.

With the advent of the FCC Customer Proprietary Network Information Policy, we have asked each staff member and all contractors to sign an agreement describing our requirements for customer privacy. A copy of that document is attached.

#### **Collection and Use of Customer Proprietary Network Information**

When customers subscribe to telephone and/or Internet service we collect information pertinent to billing and service: address, telephone, email address for billing. We also establish a primary username and password for each account so that the customer can pay on line, set spam filters and/or access the Internet. Intriguingly, we do not ask for social security numbers, since they were never meant for tracking people.

Cyber Mesa does not share customer information with third parties with the exception of contractors such as programmers or lawyers. We do not make any customer information available to third-party marketers, so we do not provide an option for opt in or opt out. The only circumstance where we would provide customer information to a third party is in the event of a subpoena from a law enforcement agency.

#### **Compliance with Laws and Regulations**

We are aware of the FCC regulations, and we will adhere to them. All staff members have signed a commitment to customer privacy that outlines our security requirements before information can be given to a customer, as well as solid restrictions against giving out customer information to third parties.

# Cyber Mesa Computer Systems Incorporated

## Customer Proprietary Network Information Policy

As a Cyber Mesa employee, I understand that I am entrusted with certain customer information that I cannot relay to third parties, nor share internally except on a need-to-know basis.

Account or other personal information is only given out over the phone to the holder of the Primary User ID after he/she confirms date of birth and mother's maiden name. The Accounts Department has some leeway in the event that a customer merely wants to make a payment.

I further understand that email messages and call records can never be passed to anyone but the customer. The only exception is in the event that a law enforcement agency presents a subpoena, in which case an officer of the company must review the document and concur.

We do not supply any information (eg, phone number or email address) to any customer about another customer. If such a request is received, in order to be of assistance, the customer for which a request was made can be contacted and told that the inquiring customer wants to make contact – given that the inquiring party is amenable to giving out his/her phone number or email address.

I realize that as a telecommunications company Cyber Mesa is subject to state and federal privacy laws. I will abide by those requirements.

-----  
Signature

-----  
Date

-----  
Printed Name

**Subject:** RE: File No. EB-08-TC-3634

**From:** "Marcy Greene" <Marcy.Greene@fcc.gov>

**Date:** Wed, 10 Sep 2008 17:12:03 -0400

**To:** "Jace Colbert" <jace@cybermesa.com>, "Robert Somers" <Robert.Somers@fcc.gov>

Please refer to the links below for information about the FCC's CPNI certification requirement. The first link is to the FCC's web page dealing with the CPNI requirements. The second link is to a Public Notice that the FCC issued concerning the CPNI certification requirement. This second link includes language that may be helpful in preparing the certification. The third link discusses Title 47 of the Code of Federal Regulations which contains the FCC's regulations. If you believe that the CPNI requirements do not apply to you, you may explain that in your response to the letter. You may also wish to consult your company's regulatory compliance attorney for further assistance.

<http://www.fcc.gov/eb/CPNI/>

[http://www.fcc.gov/eb/Public\\_Notices/DA-08-171A1.html](http://www.fcc.gov/eb/Public_Notices/DA-08-171A1.html)

[http://wireless.fcc.gov/index.htm?job=rules\\_and\\_regulations](http://wireless.fcc.gov/index.htm?job=rules_and_regulations)

Thank you.

-Marcy Greene

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**From:** Jace Colbert [mailto:jace@cybermesa.com]

**Sent:** Wednesday, September 10, 2008 4:08 PM

**To:** Robert Somers; Marcy Greene

**Subject:** RE: File No. EB-08-TC-3634

Dear Marcy,

We received a notice 9/9/2008 via U.S.Mail, concerning filing of a 47 C.F.R 64.2009(e). We regret that we have not filed this, and that this is the first we have heard of this filing.

I have gone to the website:

<http://www.pagingcarriers.org/newsr/CPNI%20Certification%20Guidance%20PN%2020080129%20DA-08-171A1.pdf>

and have email yesterday and again today to:

Filing procedures.

All filings are to reference EB Docket No. 06-36.

To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

I have yet to get a response. Perhaps you can assist in how we now should proceed. I do have the Certification doc, which I can file at <http://www.fcc.gov/cgb/ecfs/>.

I do have a question concerning the:

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company [is] in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules [attach accompanying statement].

Is there an example for this?

Sincerely,

Jace Colbert

--

Jace

Accounting  
Cyber Mesa Telecom  
Santa Fe Headquarters  
Tel 505-988-9200

Local Contact Numbers

**Federal Communications Commission**

**The FCC Acknowledges Receipt of Comments From ...  
Cyber Mesa Computer Systems Inc  
...and Thank You for Your Comments**

**Your Confirmation Number is: '2008915622457 '**

**Date Received: Sep 15 2008**

**Docket: 06-36**

**Number of Files Transmitted: 2**

**DISCLOSURE**

This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus or automated links to source documents that is not included with your filing. Filers are encouraged to retrieve and view their filing within 24 hours of receipt of this confirmation. For any problems contact the Help Desk at 202-418-0193.

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*updated 12/11/03*